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16-CR-797 (LAP)

ORDER

First, Mr. Gomez did not satisfy the procedural requirements needed to obtain the requested relief. As relevant here, a court

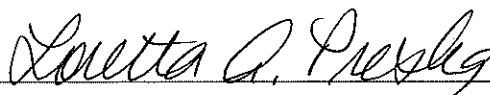
may modify a prison sentence (1) on motion of the Bureau of Prisons ("BOP") or (2) on motion of the defendant if the BOP fails to move on his behalf and the defendant has exhausted all administrative remedies. 18 U.S.C. 3582(c)(1). Mr. Gomez has not shown that any of these conditions have been met. As such, the Court has no authority to modify his sentence.

Second, Mr. Gomez has not established that he is entitled to a reduced sentence. Under § 3582(c)(1), the court may reduce a sentence if "extraordinary and compelling reasons warrant such a reduction." Id. Qualifying reasons include "the death or the incapacitation of the caregiver of the defendant's minor child" and "the incapacitation of the defendant's spouse or registered partner." United States Sentencing Guidelines § 1B1.13, Application Note 1(C). The facts alleged by Mr. Gomez, while undoubtedly tragic, fit neither of these categories and give no basis for modifying his sentence.

Mr. Gomez's motion (dkt. no. 127) is therefore DENIED. The Clerk of the Court is directed to close the open motion.

SO ORDERED.

Dated: New York, New York
February 13, 2020


LORETTA A. PRESKA
Senior United States District Judge